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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/724,088	12/01/2003	Masayuki Koshino	246013US8	1409	
22850 7	590 10/31/2006	EXAMINER		INER	
<b>O</b> , 222, 22, 0.2,	CCLELLAND	NGUYEN, K	NGUYEN, KHAI MINH		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER	
			2617		
			DATE MAILED: 10/31/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Commence		Application No.	Applicant(s) KOSHINO ET AL.				
		10/724,088					
	Office Action Summary	Examiner	Art Unit	_			
		Khai M. Nguyen	2617				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Operiod for reply is specified above, the maximum statutory period we to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status							
2a)⊠	Responsive to communication(s) filed on <u>03 Ju</u> This action is <b>FINAL</b> . 2b) This Since this application is in condition for allower closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro					
Dispositi	ion of Claims						
5) □ 6) ⊠ 7) □ 8) □ Applicati 9) □ 10) □	Claim(s) 1-6 is/are pending in the application.  4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed.  Claim(s) 1-6 is/are rejected.  Claim(s) is/are objected to.  Claim(s) are subject to restriction and/or is/are specification is objected to by the Examine The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement of the correction of the oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement of the oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement of the oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine Replacement drawing sheet of the oath of the o	r election requirement.  r.  epted or b) objected to by the Edrawing(s) be held in abeyance. See lon is required if the drawing(s) is objected to by the lon is required if the drawing(s) is objected to by the lon is required if the drawing(s) is objected.	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).				
Priority ι	ınder 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>							
2) 🔲 Notic 3) 🔯 Inforr	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date 10/10/2006	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	te				

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## **DETAILED ACTION**

#### Information Disclosure Statement

1. The information disclosure statement filed 10/10/2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Applicant did not provide the reference by English version. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

## Response to Arguments

2. Applicant's argument with respect to claims 1-6 have been considered but are most in view of the new ground(s) of rejection.

# Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 3-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Wu (U.S.Pub-20020082015).

Regarding claim 3, Wu teaches a control server comprising:

a manager (fig.2-3, gateway 103) configured to manage a configuration of a radio access network including a data server connected to the control server (fig.2-3, nodes 201and 301) and a base station managed by the data server (fig.2-3, base station controllers 202, 203, 302, 303, paragraph 0036, base station controller (BSC) 202 controls base stations 204, 205, 206, and base station controller (BSC) 203 controls base stations 207, 208, 209, paragraph 0036);

a transfer path setter configured to set a data transfer path for an IP packet containing user data in accordance with the configuration (table 1, fig.3-4, paragraph 0035-0036);

a network configuration notifier configured to notify an instruction to reserve a resource of a base station (fig.3, base stations 204-209 and 304-309) in accordance with the configuration (table 1, fig.3-4, paragraph 0054), wherein a connection ID is assigned to the data transfer path (table 1) and included in the instruction when the transfer path is set (table 1, fig.3-4, paragraph 0054-0055).

Regarding claim 4, Wu teaches the control server according to claim 3, wherein the control server (fig.2-3, nodes 201 and 301) is connected to a plurality of data servers (fig.2-3, base station controllers 203-203 and 302-303).

# Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 1-2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (U.S.Pub-20020082015) in view of Nguyen (EP 1150521).

Regarding claim 1, Wu teaches a radio access network system (fig.2-3) comprising:

a control server (fig.2-3, nodes 201 and 301, paragraph 0036, base station controller (BSC) 202 controls base stations 204, 205, 206, and base station controller (BSC) 203 controls base stations 207, 208, 209), comprising

a manager (fig.2-3, gateway 103) configured to manage a configuration of a radio access network including a data server connected (fig.2-3, base station controllers 202, 203, 302, 303, paragraph 0036, base station controller (BSC) 202 controls base stations 204, 205, 206, and base station controller (BSC) 203 controls base stations 207, 208, 209) to the control server (fig.3, nodes 201 and 301) and a base station (fig.2-3) managed by the data server (paragraph 0036);

a transfer path setter configured to set a transfer path for an IP packet (table 1, internet data packet) containing user data in accordance with the configuration (fig.2-3, mobile device 104, paragraph 0035-0036);

a network configuration notifier configured to notify an instruction to reserve a resource of a base station in accordance with the configuration (table 1, fig.3-4, mobile device 104, paragraph 0054-0055), wherein a connection ID (table 1, fig.3) is assigned to the data transfer path (table 1) and included in the instruction when the data transfer path is set (table 1, fig.3-4, mobile device 104, paragraph 0054-0055); and

a the data server (fig.2-3, base station controllers 202, 203, 302, 303, paragraph 0036), comprising

a manager (fig.2-3, gateway 103) configured to manage a resource of a base station located in the radio access network (table 1, fig.2-4, paragraph 0054-0055); and a resource notifier configured to notify the assigned resource to the control server (table 1, fig.2-4, paragraph 0035-0036)

Wu fails to specifically disclose a resource assigner configured to assign the resource to the transfer path for an IP packet containing user data in accordance with the resource reservation instruction notified by the control server. However, Nguyen teaches a resource assigner configured to assign the resource to the transfer path for an IP packet containing user data in accordance with the resource reservation instruction notified by the control server (fig.1-3, H (host), MSD (mobility server device), GW1 and GW2, T (terminal), paragraph 0020-0022). Therefore, it would have been obvious to one having ordinary skill in the art at the invention was made to apply the teaching of Nguyen to Wu to provide a method for setting up a session between a host of a data network and a mobile terminal of a mobile network.

Regarding claim 2, Wu teaches a radio communication method in a radio access network including a base station, a control server and a data server (fig.2-3), the method comprising the steps of:

managing (fig.2-3, gateway 103) a configuration of the radio access network in the control server (fig.2-3, nodes 201 and 301, paragraph 0036);

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setting a data transfer path for an IP packet (table 1) containing user data in accordance with the configuration, in the control server (table 1, fig.3-4, paragraph 0035-0036);

notifying an instruction to reserve a resource of a base station (table 1) in accordance with the configuration (table 1, fig.1, paragraph 0054-0055), wherein a connection ID is assigned to the data transfer path (table 1) and included in the instruction when the transfer path is set, in the control server (table 1, fig.1, paragraph 0054-0055);

managing (fig.2-3, gateway 103) a resource of a base station (fig.3, base stations 204-209 and 304-309) located in the transfer path set by the control server (table 1, fig.3-4, paragraph 0036), in the data server (fig.2-3, nodes 201 and 301, table 1); and notifying the assigned resource to the control server, in the data server (table 1, fig.2-4, paragraph 0035-0036)

Wu fails to specifically disclose assigning the resource to a data transfer path for an IP packet containing user data in accordance with a resource reservation instruction notified by the control server, wherein the resource reservation instruction comprises a connection ID assigned to the data transfer path, in the data server. However, Nguyen teaches assigning the resource to a data transfer path for an IP packet containing user data in accordance with a resource reservation instruction notified by the control server (fig.1-3, H (host), MSD (mobility server device), GW1 and GW2, T (terminal), paragraph 0020-0022), wherein the resource reservation instruction comprises a connection ID assigned to the data transfer path, in the data server (fig.1-3, H (host), MSD (mobility

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server device), GW1 and GW2, T (terminal), paragraph 0020-0022). Therefore, it would have been obvious to one having ordinary skill in the art at the invention was made to apply the teaching of Nguyen to Wu to provide a method for setting up a session between a host of a data network and a mobile terminal of a mobile network.

Regarding claim 5, Wu teaches a data server comprising:

a manager (fig.2-3, gateway 103) configured to manage a resource of a base station located in a radio access network (fig.2-3, nodes 201 and 301, base station controllers 202, 203, 302, 303, paragraph 0036, base station controller (BSC) 202 controls base stations 204, 205, 206, and base station controller (BSC) 203 controls base stations 207, 208, 209, paragraph 0036); and

a resource notifier configured to notify the assigned resource to the control server (table 1, fig.2-4, paragraph 0035-0036).

Wu fails to specifically disclose a resource assigner configured to assign the resource to a data transfer path for an IP packet containing user data in accordance with a resource reservation instruction notified by a control server, wherein the resource reservation instruction includes a connection ID assigned to the data transfer path. However, Nguyen teaches a resource assigner configured to assign the resource to a data transfer path for an IP packet containing user data in accordance with a resource reservation instruction notified by a control server (fig.1-3, H (host), MSD (mobility server device), GW1 and GW2, T (terminal), paragraph 0020-0022), wherein the resource reservation instruction includes a connection ID assigned to the data transfer path (fig.1-3, H (host), MSD (mobility server device), GW1 and GW2, T (terminal),

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paragraph 0020-0022). Therefore, it would have been obvious to one having ordinary skill in the art at the invention was made to apply the teaching of Nguyen to Wu to provide a method for setting up a session between a host of a data network and a mobile terminal of a mobile network.

Regarding claim 6, Wu and Nguyen further teach the data server according to 5, wherein the data server transmits and receives the IP packet containing the user data via the data transfer path set by the control server (see Nguyen, (fig. 1-3, H (host), MSD (mobility server device), GW1 and GW2, T (terminal), paragraph 0020-0022).

## Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen Au: 2617

10/26/2006

SUPERVISORY PATENT EXAMINER